Collection No.

1939.

Resident's Office — Bangalore

Pros. / Serial Nos. 1 - 6

(K)

Subject.

Application of the Indian Passport Act, 1920 to c/f of Sh:. Bangalore

Previous References.

Later References.

S. 97.—(Blue).

NOTES AND PRECIS.

Secretary has verbally ordered that as there are obvious difficulties in applying the British Indian Passport Act, 1920, to the Station, the question must be examined of enacting a local law whereby action can be taken against persons who have entered the Station without a valid passport.

2 Two cases are reported to have occurred recently where persons were found in the Station without a valid passport. In the one case the passport was forged and in the other the person had no passport.

3 With excellent landing facilities existing in Bangalore persons proceeding from places outside India might travel by air and without touching British India might land in the Station, and it appears unless they enter British India, the British Indian law will not be applicable to them. Evasion of passport rules may, therefore, be provided against in the Station by making a local law. It appears two methods can be followed. There can be only one provision in the local law that evasion of British Indian Act* and Rules will be deemed to be an offence under this Law and it can be penalised. But if a person who proceeds out of India and without entering British India enters the Station, he will not have contravened the provisions of the British Indian law, and so the provision just referred to will be infructuous. The other way is to make a self-sufficient law on the lines of the British Indian Act and Rules by creating offences and providing penalties for their commission. Entry into the Station without a valid passport must be an offence; and even if a person first enters British India without a passport but escapes detection and subsequently enters the Station, he can be prosecuted for an offence under the Station Law. Draft of a Local Law is submitted for approval

*XXXIV of 1920

Com. p. 13
F 122-37
(H)

Secretary.

A.S.Rao
27.7.39

The local law proposed creates certain offences which we don't want to create: e.g. a foreigner who has entered Br. India on a valid passport, enters the Cooch Statein after the validity of that passport has expired. I suggest application of the Passport act (& Rules) subject to a modification on the lines of that suggested recently for the Aircraft Rules: such as that 'the act will apply to the Cooch Statein as if it were a part of Br. India, save that offences committed under it shall be tried by the Courts of the Cooch Stn. & the authorities of the Cooch Stn shall be empowered to act under the act for the purposes of the Statein

Please examine, & if no objection, draft suitably

H Prydon
25/7/39.

× Cor. p. 7
(W) F. 333-39

5

The point raised at the beginning of para 4 has been met by modifying section 3, and inserting a provision in section 4(a). It may be noticed, however, that a similar anomaly happens under the British Indian Rules also. A foreigner in possession of a valid passport enters by air the Station, Mysore or any other Indian State direct; after the validity of the passport has expired, if he enters

British

British India, he would have contravened the provisions of Rule 3. The point is that in a piece of legislation of this kind, when travel by air becomes common, it would be difficult to enforce the law strictly according to the letter of it.

6 As regards the Aircraft Rules, it may be seen, they were far too voluminous and elaborate, and it was considered that the functions of the various British Indian authorities regarding the registration of air-craft, licensing of pilots, etc. need not be repeated by the corresponding Station authorities, and hence a simple method of applying those Rules was adopted. But the British Indian Passport Act and Rules are a very brief and simple piece of legislation, and making a local law (if not a direct application) on the lines of that legislation appears to be more suitable. If it is considered, however, that that method must be adopted, a similar draft will be submitted.

A.S.Rao
5.8.39

Secretary. 7 Ithink it must either be

(i). Application, as I proposed.

(ii). Brief local law on the same lines, mandup (in the form of a local law,) that a person found when in the Station to have contravened the Indian Passport act & Rules in force in Br. India should be liable to the punishment provided in that act & Rules, and that the Station Police have the same powers as Br. Indian Police under the Br. Indian act & Rules.

Rudolph Hughes letter Rudolph 5-8-39

8

With reference to para 7, a draft of a local law is submitted for approval.

ASRao
19.8.39

Secretary.

will D.P. please see the observations on the draft? The case will be laid

9

will J.C. please see alternative draft which holes in it?

H Rudra
21/8/39.

10

The following comments are submitted:-

1. Modification (4): This may be omitted. We do not specify that references to other Acts should be construed as references to those Acts as applied to the Civil and Military Station. Apparently the intention is that the references are to the applied Acts only.

2. Modification (5): Prior to the Government of India (Adaptation of Indian Laws) Order, 1937, the power to direct removal of persons under section 5 vested in the Local Governments. It is for consideration whether this power may be retained by the Resident, so that it may not be necessary in every case to apply to the Crown Representative to issue an order. At present Resident exercises the power to exclude any person from the Station under the Rules for the exclusion of undesirable persons.

* Not put up.

The modification that 'British India' shall be

read as applying to 'British India and the Civil and Military Station of Bangalore' relates to 'British India' where it occurs for the second time. This may be specified.

13.9.39.

ASR.
15.9.39

Secretary. 11

I did not mean Sec 5 to ~~exclude~~ give the Resident power to exclude a person from the Station, but to give the Crown Representative power to exclude a man from British India & the Cr. Station: otherwise to deport an undesirable who has broken the passport law directly outside Br. India from the Cr. Station. However, that won't work, I agree; as the Crown Representative has no power in British India, & we don't want the Central Govt. to have power to exclude from the Station. As in the case of the Foreigners Act we can give the Resident power to exclude from the Station & leave Central Govt to act under Sec 5 of the Act in British India when the man is handed over to Police in Br. India. Notification may be amended, as you

12 modification (4). Omit. I don't know why I put this in.

13 how draft briefly to Political Dept. showing the two cases which occured & which in an opinion make it necessary that the act should be applied to the Cantt Station in the manner proposed. mention particularly that ~~~~ modification (2) appear to the Resident after careful examination, to be the only satisfactory way in which the act can be applied to the Station

A Rangaiyar
16/9/39.

14 Draft to the Political Department is submitted for approval.

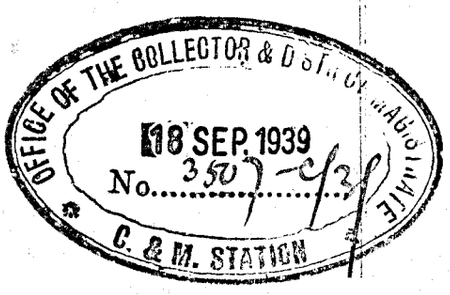
15 ASRa 17.9.39 D.I. Town of Police may now see.

A Rangaiyar
18/9/39.

Secretary.

District Magistrate, C. & M. Station, Bangalore

Dated the 18th September 1939.

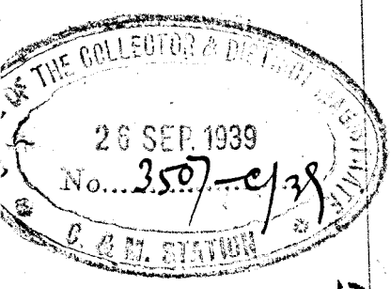


16

I agree with S.R. — except that substitution of Resident for Government in Sect. 5 of the Act does not seem necessary. (The words "Central Government" do not occur in Sect. 5 in my copy of the Act.)

H.H. Carleton
20.9.39.

C.P.

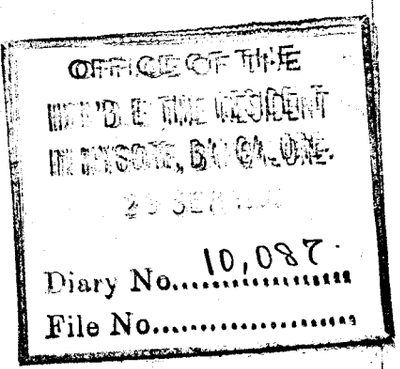


U.O. No. 3507-C-39 dated 20th September 1939.
From: 641/G with rel: U.O. file

No comments. - My copy of the Act says "Local Government" in Sec. 5.

17

Commissioner of Police
C. & M. STN. BANGALORE.



To

The Secretary to the Resident in Mysore, Bangalore
U.O.No. 641/G with rel: file. (26-9-1939)

Act has been modified in 1937 to make it 'Central Act'.

18

Draft is for approval.

27/9/39.

Resident - 29/9/39

Await 20/12/39 10/12/39 11/12/39

SRO (I): Issue

Dy.No.12,849. S.N.(1).

Please see S.N.1.

Draft submitted.

19

Except modification (2) all the modifications proposed by this Residency in S.N.1 have been accept-ed by the Political Department. Modification (2) was proposed after very careful consideration and was intended to serve certain specific purposes as detailed in paras 1 to 7 of notes ante. It is not clear whether the Political Department have considered the various aspects of the question ~~xxx~~ before issuing the present notification.

Submitted for orders whether we may address them again in the matter.

(para 19)

20.12.39.

Secretary.

20 Issue draft. After the holidays put up file & I will draft to Pol. Dept

22/12/39.

21 Submitted.

6.1.40

Secretary

Having drafted a letter to Pol. Dept. (kept below) showing why our version was preferable, I find that, so far as I can see, there is a way out. We can apply the Br. Indian rules, requiring persons to have a valid passport to enter the Cntg Station, to all persons, except those who have entered Br. India on a valid passport under the Br. Indian Act & Rules & subsequently enter the Cntg Stn without in the meanwhile leaving India. If this is correct, please draft.

8/1/60

23

(H) × Cor. p. 13 / F. 122-37

It is submitted that in addition to what is suggested in para 22, there is another way of working the Act and Rules in the form in which they have been applied to the Station by the Political Department. It is clear that they agree with this Residency that what is required is not passport legislation requiring passports from persons entering the Station, but only the power to penalise persons who have contravened the British Indian law and may then be found in the Station. To achieve this, they have made an application of the Act with modifications and a direct application of the Rules without modifications. Please see the notifications applying the Air-craft Rules, Petroleum Rules and Registration of Foreigners Rules to the Station, in all of which a modification has been made that references to British India shall be construed as references

my mistake. I did not notice that the rules were applied by the notification.

(K)

references to the Station. Rules 3 and 6 of the Pass-port Rules in their application to the Station, however, will read exactly as they stand; in other words an offence is created and penalty provided for entering British India without a pass-port. This seems to have been the principle adopted, and must be accepted.

24 It is possible, however, to attack the validity of this peculiar piece of legislation. Firstly the territorial application of the Station Act and Rules is restricted to the Station, and the penal laws here can provide that a particular act or omission committed in the Station is an offence and punishable in a certain way. But it is unusual to provide that an act or omission committed in British India is an offence in the Station. Entry into the Station after committing the offence in British India could by itself be constituted into an offence and penalised. What the British Indian Rules provide is that entry into British India without a pass-port is an offence, so that a person who enters British India without a pass-port has at once committed an offence there. According to the Station Rule 6 such a person shall be punishable, ofcourse if found in the Station. But perhaps under the Foreign Jurisdiction Order in Council, things which are illegal in the ordinary way are not illegal.

25 Secondly please see section 177 of the Code of Criminal Procedure. As the Rule stands, entry into British India with-out a pass-port is an offence, and ofcourse an offence in British India. It is not clear how the Courts in the Station would derive jurisdiction to try that offence, unless entry into the Station after such an offence in British India were constituted into an offence by the Station law.

26 Thirdly section 3 of the Station Act confers power on the Crown Representative to "make rules requiring that persons entering the Civil and Military Station, Bangalore shall be ~~pxxxxxxxx~~ in possession of pass-ports ---". The Rules applied to the Station by the Crown Representative require that

persons entering British India shall be in possession of pass-ports without any reference to the Station, and thus may be construed as ultra vires. One significant change may be pointed out. Para 2 of the Notification applies "the rules made under the Indian Passport Act, 1920" and not the Indian Passport Rules, 1921, as was done in the case of the British Indian Rules applied to the Station and referred to in para 23. The purpose of this change is not clear.

27 All these points would have been considered by the legal experts of the Political Department, and perhaps there is nothing unassailable about the legislation. For orders.

A.S.Rao
9.2.40

Secretary.
28 Many thanks. I think we might as well clear up the point. D.M. may see draft before issue.

Ramaiah
11/2/40.

13/2

Resident.

District Magistrate, C. Tr. Station, Bangalore

u/o No R.D. 575-39/Judl, dated 13th Feb. 1940

OFFICE OF THE COLLECTOR & DISTRICT
135
16 FEB. 1940
No. 664.C.40

29. Seen thanks.
H.H. Carleton
20.2.40.

To the Secretary to the Hon'ble the Resident in Mysore, Bangalore.

Secy A 22.2.40

U.O. No. 664-C-40 dated 20th February 1940.

30 Inter Ramaiah 22/2/40. S.N.4: Issue.

31

In paras 24 to 26 of notes an attempt was made to show that the notification of the Political Department was defective; and in para 4 of the present letter they have reached the conclusion that it was defective and have therefore cancelled it.

32.

The only question now for consideration is the practical necessity for making a passport law for the Station. As stated in letter from this Residency dated the 16th October 1939, two instances have so far occurred. In the existing state of law, if a person was found in the Station who had contravened the British Indian passport law, his surrender to British India could be secured on a mere warrant from the British Indian authorities, and he could be tried and convicted in British India. The application of the Act to the Station would have rendered permissible the prosecution of the offender in the Station under rule 6 of the Passport Rules, or the removal of the person from the Station under section 5 of the Passport Act.

(M) × S.N. 1 Comp. 1

(H) ⊕ Comp. 13 F. 121-37

33

How far the absence of the enactment and the consequent absence of the facilities of prosecution in and expulsion from the Station has encouraged the evasion of the passport law it is for the local officers to say. The prospect of retrocession of a larger portion of the Station to the Mysore Government is perhaps another argument against the present introduction of the Act. Nor can it be urged that passport evasion has been a longstanding and perpetual menace in the Station requiring special measures and that the existing provisions of law should be supplemented by the introduction of this British Indian enactment. The form of legislation, whether it should be a local law or a suitable application of the British Indian Act and Rules, may be considered after the views of the local officers are received. Before the Political

Department agree to the present legislation, its necessity for the Station would have to be established. District Magistrate may be requested u/o. to kindly offer remarks on the case.

PsRao
11.4.40

Dy Secretary.

District Magistrate, C.&M. Station, Bangalore

u/o. No. 3650-40/Judl., dated the 12th April 40.

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE
287
13 APR. 1940
No. 1397-C-40
C. & M. STATION

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
23 APR. 1940
Diary No. 4155
File No.

34. The "Foreigners" legislation appears to give us ample power to deal with foreigners irrespective of the Passport Act and Rules. It does not seem quite necessary therfore to apply the latter to the Station at present.

H.H. Cantlie

The Secretary to the Hon'ble the Resident in Mysore, B'lore
U.O.No.1397-C-40 dated the 20th April 1940.

Passport law seems to have been first put into force in British India in the form of rules under the Defence of India Act during the last War. It was considered necessary to retain power to continue the system in whole or in part as might seem necessary for the purpose, bringing the Indian practice into line with that of other parts of the British Empire and of foreign nations.

The Foreigners Act, 1864, as applied to the Station

Station, enables the Government to prevent the subjects of Foreign States from residing or sojourning in the Station, or from passing through or travelling therein, without the consent of the Government. Please see also Act II of 1940. It is clear, however, that persons who are not foreigners, as defined in the Act, cannot be dealt with. The obvious answers to the proposed introduction of the legislation are that only in 2 instances so far it was felt that there was no law to adequately deal with certain offenders, and that a larger portion of the Station, practically all the residential areas, may shortly be retroceded to the Government of Mysore. Hence it appears it will be difficult to establish any real necessity for the Act. Draft submitted.

ASRao
30.4.40

(from para 31)

Secretary.

37 File brought back. Please resubmit in Bangalore.

A.M.1/5

38. Resubmitted.

ASRao
3.5.40

Secretary. 39 I have amplified the draft a little.

Hendt. A.M.4/5

D+S

A.M.2/5

D&S 6/5/40

Record.

CORRESPONDENCE.

R. Dis. No.F.575-39 Encl.
Judl.

16/10/39

From

The Hon'ble Lieut.-Colonel J.H. Gordon, C.I.E., O.B.E., M.C.,
RESIDENT IN MYSORE.

To

The Secretary to
His Excellency the Crown Representative,
S I M L A.

Dated Bangalore, the 16th October 1939.

Application of the Indian Passport Act, 1920, to the Civil and Military Station of Bangalore.

Sir,

Two instances have recently occurred in which the need for a Passport Act in the Station has been felt. In the one instance, a man was found with a passport which appeared to be forged: he was afterwards found with five passports on him in Madras. In the other, a Jew bound for Shanghai and with no visa for India slipped off the boat in Bombay and arrived here. I therefore recommend that the Indian Passport Act 1920 should be applied to the Station, and after careful examination, have decided that the proposed modification (2) is the only method by which the act can be applied without difficulty. I consider it preferable that section 5 should be limited to a conferment of powers on the Resident to expel from the Station. An offender whom it is desired to expel from India can always be dealt with subsequently by the Provincial Government, into whose territory he passes after expulsion from the Station.

I enclose a draft for the consideration of His Excellency the Crown Representative.

I have the honour to be,
Sir,
Your most obedient servant,

Lt.-Col.,
RESIDENT IN MYSORE.

GOVERNMENT OF INDIA.
Political Department
Notification.

No. Dated New Delhi the October 1939.

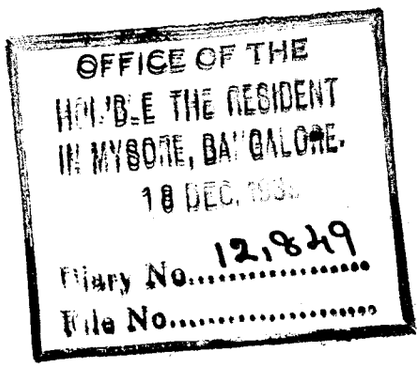
In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to direct that the following further amendment shall be made in the Civil and Military Station of Bangalore (Application of Laws) Order, 1937, namely:-

In the Schedule to the said Order, under the heading "Acts of the Central Legislature", after entry "85. The Identification of Prisoners Act, 1920 (XXXIII of 1920), the following entry shall be inserted, namely:-

"85-A. The Indian Passport Act, 1920 (XXXIV of 1920)	(1) Omit sub-section (2) of section 1. (2) For section 3 substitute - "3. Rules made by the Central Government from time to time under the Indian Passport Act (XXXIV of 1920) as in force in British India shall apply to the Civil and Military Station of Bangalore as if the said Station were a part of British India, and offences against the said rules shall be tried by Courts of competent Jurisdiction within the said Station" (3) In sub-section 1 of section 4 omit "and any officer of the Customs Department empowered by a general or special order of the Central Government in this behalf" (4) In section 5 for "Central Government substitute "Resident"; and "British India" where it occurs for the second time shall stand unmodified.

Copy to the Hon'ble the Resident in Mysore for information with reference to his letter R.Dis.No.F.575-39 Judl. dated the 16th October 1939.

Srno.1
Gn.1



By order, etc.,

for Secretary to ~~His Excellency~~ the Crown Representative.

No. 428 -I.B.

POLITICAL DEPARTMENT.

New Delhi, the 13th December 1939.

NOTIFICATION.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937 and of all other powers enabling him in that behalf, the Crown Representative is pleased -

(1) to direct that the following further amendment shall be made in the Civil and Military Station of Bangalore (Application of Laws) Order, 1937, namely:-

In the Schedule annexed to the said Order, under the heading "Acts of the Central Legislature", after the entry "85. The Identification of Prisoners Act, 1920 (XXXIII of 1920) the following entry shall be inserted, namely :-

"85-A. The Indian Passport Act, 1920 (XXXIV of 1920).	(1)	Omit sub-section (2) of section 1.
	(2)	In sub-section (1) of section 4, omit "and any officer of the Customs Department empowered by a general or special order of the Central Government in this behalf".
	(3)	In section 5, for "Central Government" substitute "Resident", and the words "British India" where they occur for the second time shall stand unmodified."

(2) to apply, in accordance with the notification of the Political Department, No.177-I.B., dated the 10th August, 1938, the rules made under the Indian Passport Act, 1920 (XXXIV of 1920), to the Civil and Military Station of Bangalore.

Sd. C. LATIMER,
Secretary to His Excellency the Crown Representative.

R. Dis. No. F. 378-39 June

5

THE HON'BLE THE RESIDENT IN MYSORE.

Notification.

No. 182 Date. 28/12/38.

The following notification of the Political Department is re-published :

Secretary to the Resdt.

Enc. to S.N.2
puc.

(Here enter the Political Deptt's Notification No.428-I.B., dated the 13th December 1939).

To be published in the Mysore Residency Orders. (50 copies may kindly be supplied).

Copy to :

The Collr. & Dist. Magistrate (5 s.cs.)
Resy. Surgeon. (1 ")
Commr. of Police (15 ")
Dist & Sessions Judge (4 ")
Tresy. & Income-tax Officer (2 ")
Inps. of Schools (1 ")
President, Munpl. Commission (2 ")
C & M Station, Bangalore.

20.12.38

Issued
5/1/40

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. 182, dated Bangalore, the 28th December 1939.

The following notification of the Political Department is republished.

O/C

Secretary to the Resident.

No. 428-I.B.

POLITICAL DEPARTMENT.

NOTIFICATION.

New Delhi, the 13th December 1939.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased—

(1) to direct that the following further amendment shall be made in the Civil and Military Station of Bangalore (Application of Laws) Order, 1937, namely :—

In the Schedule annexed to the said Order, under the heading "*Acts of the Central Legislature*" after the entry "85. The Identification of Prisoners Act, 1920 (XXXIII of 1920)", the following entry shall be inserted, namely :—

"85-A. The Indian Passport Act, 1920 (XXXIV of 1920).	(1) Omit sub-section (2) of section 1.
	(2) In sub-section (1) of section 4, omit and any officer of the Customs Department empowered by a general or special order of the Central Government in this behalf.
	(3) In section 5, for "Central Government" substitute "Resident", and the words "British India" where they occur for the second time shall stand unmodified".

(2) to apply, in accordance with the notification of the Political Department No. 177-I.B., dated the 10th August 1938, the rules made under the Indian Passport Act, 1920 (XXXIV of 1920), to the Civil and Military Station of Bangalore.

C. LATIMER,
Secretary to His Excellency the Crown Representative.

To be published in the Mysore Residency Orders -
(50 printed copies supplied).

Copy to
The Collector & District Magistrate, - (5 S.cs.)
The Residency Surgeon, - (1 s.c.)
The Commissioner of Police, - (15 s.cs.)
The District & Sessions Judge, - (4 ")
The Officer in charge of the Hon'ble the Resident's Treasury and Income-tax Officer, - (2 ")
The Inspector of Schools, - (1 s.c.)
The President, Municipal Commission, - (2 s.cs.)

Civil & Military Station, Bangalore.

DEPARTMENT.

BRANCH.

File No.

Serial No.

Issued 24/2/40 DSH

Issued 22/2

Draft Letter / Memorandum / Telegram

Class for telegrams	INLAND:	FOREIGN:
	Immediate	Immediate
	Important	Important
	Express	Ordinary
	Ordinary	Without priority

No. R.D. 575-39/Judl. Dated 24th Feb. 1940

From

The Resident.

To

The Secy. to His Excellency
the Crown Representative,
New Delhi.

To be issued on	Issued on
1st Reminder	
2nd Reminder	
3rd Reminder	
Heading:	
Case or Diary No.	
If post copy of telegram required	
Date of despatch of above	
List of enclosures	

(Code word for telegrams.)

c.p.4 'M'

Application of the Indian Passport Act, 1920, to the C & M Station, Bangalore.

- - -

Sir,

I have the honour to refer to the Political Dept.'s Notification No. 428-I.B., dated the 13th December 1939.

2. Section 3 of the Indian Passport Act, 1920, as so applied will read "The Crown Representative may make rules requiring that persons entering the C & M Station, Bangalore, shall be in possession of passports, etc." By Clause 2 of the Political Dept.'s notification rules made under the Indian Passport Act, 1920, have been applied to the Station without modification, i.e. in their reference to British India. With reference to Section 177 of the Criminal

S. 5.
MGIPC—S5—1595(S&P)MFP—(M-944)—6-3-39—60,000 Pads.

Criminal Procedure Code I will be glad if you will kindly confirm for my information whether the Act and rules as so applied will enable ~~include~~ the Courts in the C & M Station to convict a person found in the C & M Station to have entered India without a valid passport, the purpose for which I asked for the application of the Act to the Station - please see my letter R.Dis.No.F.575-39/Judl, dated the 16th October 1939.

S.N.1
'M'

I have etc.,

R e s i d e n t.

No.F.269-IB/39.

S. N. 5.

From

The Secretary to His Excellency the Crown Representative,

To

The Hon'ble the Resident in Mysore.

Dated New Delhi, the 3rd April 1940.

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE, BANGALORE.
9 APR. 1940
Diary No. 3650
File No.

Application of the Indian Passport Act, 1920, to the Civil and Military Station, Bangalore.

Sir,

I am directed to refer to your letter R.Dis.No.F.575-39/Judl, dated the 24th February 1940, on the above subject, and to state that the position has been reviewed.

2. The effect of section 3 of the Act as applied is to empower the Crown Representative to make rules requiring that persons entering the Civil and Military Station shall be in possession of passports. Section 5 as applied reads:-

> "The Resident may by general or special order direct the removal of any person from the Civil and Military Station of Bangalore who, in contravention of any rule made under section 3 prohibiting entry into British India without passport, has entered therein and thereupon any officer of the Crown shall have all reasonable powers necessary to enforce such direction."

Since the reference to section 3 must necessarily be construed as a reference to that section of the applied Act, and not to the same section of

the/

the Act as in force in British India, no rule can be made by the Crown Representative under section 3 as applied prohibiting entry into British India. It is, therefore, impossible to find any person in the Civil and Military Station who has contravened such a rule, and section 5 as applied does not achieve the object in view.

3. Paragraph 2 of the notification purports "to apply, in accordance with the Notification of the Political Department No.177-I.B., dated the 10th August, 1938, the rules made under the Indian Passport Act, 1920 (XXXIV of 1920), to the Civil and Military Station of Bangalore". This is a departure from the usual and correct practice of applying British Indian Rules with modifications by means of a notification under the relevant enactment as applied to the Administered Area in question, and not by means of a notification under the Indian (Foreign Jurisdiction) Order in Council. The general Notification of the 10th August 1938, expressly provides that any rules applied by virtue of that notification shall have effect in the Administered Area as if made under the applied enactment, and obviously, the rules so applied must be in conformity with the enactment. As already pointed out section 3 of the Act as applied enables the Crown Representative to make rules requiring that persons entering the Civil and Military Station shall be in possession of passports, and the Crown Representative cannot under this provision make rules or apply rules already made, requiring that persons entering British India

shall/

shall be in possession of passports.

4. The conclusion is that the Political Department Notification No.428-I.B. dated the 13th December 1939 is defective; and it has accordingly been cancelled - vide Political Department Notification No. 85 - I.B., dated the 3rd April 1940 (copy enclosed).

5. Before considering the form which the revised notification should take, I am to suggest that the practical necessity for making a passport law for the Civil and Military Station of Bangalore requires further scrutiny. In your letter of the 16th October 1939 you have cited two instances in which the need for a passport law was felt in Bangalore. In one of them, a man who was found in Bangalore with a forged passport was subsequently traced in Madras and presumably proceeded against in the ordinary way. Thus it appears that there is only one man in Bangalore who does not have a passport valid for India and against whom no action can be taken in the absence of a passport law applying to Bangalore. It seems that a stray instance of this kind hardly justifies the wholesale application of the British Indian Passport Act and the rules made thereunder to the Civil and Military Station, especially when there are several other Administered Areas which from the point of view of passport evaders are more favourably situated and to which the British Indian Passport law has not been applied.

S.N.I (M) Corr.I

6. If, however, you can establish the necessity for making such a provision, the appropriate course would be to make a self-contained law for the Civil and Military Station providing for the punishment in and explusion from the

Station/

Station of a person who, having entered British India in contravention of the British Indian Passport Act thereafter enters the Civil and Military Station.

I have the honour to be,

Sir,

Your most obedient servant,

G. Hancock

for Secretary to His ~~Excellency~~ the Crown Representative.

No. 85 — I.B.

POLITICAL DEPARTMENT,

New Delhi, the 3rd April 1940.

NOTIFICATION.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to -

(1) direct that the following further amendment shall be made in the Civil and Military Station of Bangalore (Application of Laws) Order, 1937, namely:-

In the Schedule annexed to the said order under the heading "Acts of the Central Legislature" the entry "85-A The Indian Passport Act, 1920 (XXIV of 1920)" shall be omitted;

(2) cancel the notification of the Political Department, No.428-I.B. dated the 13th December, 1939.

Sd. C.G.Herbert,

Secretary to His Excellency the Crown Representative.

No.R.F.575-39
Judl.

Issued 8/5

From

The Hon'ble Lt. Col. J.H. Gordon, C.I.E., O.B.E., M.C.,
RESIDENT IN MYSORE.

Issue 8/5

To

The Secretary to
His Excellency the Crown Representative.

(Camp) Mercara, Dated the 8th May 1940.

Application of the Indian Passport Act, 1920,
to the Civil and Military Station, Bangalore.

Sir,

I have the honour to refer to your letter No.F.269-IB/39, dated the 3rd April 1940, and to state that in the circumstances I agree that there is no urgent necessity for the application of the Passport Act to the Civil and Military Station for the following two reasons. Firstly, as you point out, the number of cases which have come to light in the past is small and secondly, the eventual punishment of a person found in the Civil and Military Station who had contravened British Indian Passport law could always be secured by the issue of a warrant from British India and his surrender to British Indian authorities for trial. The application of the Passport Act would merely simplify the procedure by enabling the prosecution of an offender to be undertaken in the Civil and Military Station.

I have the honour to be,
Sir,
Your most obedient servant.

D/c

Lieut.-Colonel,
R E S I D E N T.

vdv.